



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

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Jack Buckley, *Director*

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS DIVISION OF FISHERIES AND WILDLIFE
FISHERIES AND WILDLIFE BOARD
MEETING MINUTES

PRESENT: George Darey/Chairman, Michael Roche/Secretary, Bonita Booth, Ernest W. Foster IV, Dr. Joseph Larson, Dr. Brandi Van Roo, Fred Winthrop, George Peterson/Commissioner/DFG, MaryLee King/Deputy Commissioner/DFG, Jack Buckley/Director, Kris McCarthy/Associate Director/Finance and Administration, Laura Conlee/Assistant Director/Wildlife, Michael Huguenin/Assistant Director/Operations, Marion Larson/Assistant Director/Public Affairs, Craig MacDonnell/Chief/Wildlife Lands, James Burnham/Regulations Specialist, Anne Gagnon/Northeast District Land Agent, Capt. Anthony Abdal-Kabir/OLE; PUBLIC: Dave Morin, Brian Hall, Ron Amidon.

DATE: July 27, 2016

LOCATION: Parker River National Wildlife Refuge Visitor's Center
Newburyport, Massachusetts

Chairman Darey opened the July meeting of the Fisheries and Wildlife Board at 11:15 A.M., and he and the other Board members welcomed the Board's new member, representing the Southeast Wildlife District, Mr. Ernest W. (Ernie) Foster IV of Scituate. The Chairman assured Mr. Foster that he was about to experience democracy in action.

Acceptance of Minutes

A motion was made by Dr. Larson to accept the minutes from the June 2016 meeting as presented. The motion was seconded by Mr. Winthrop. The motion passed unanimously.

Chairman's Comments

The Chairman welcomed the visitors to the meeting, and stated that the Board holds its meetings all over the state. In his travels, Chairman Darey said that there is no other state in the union with so much diversity of geography so close together.

Chairman Darey reported on a Berkshire *Eagle* article on the great success of the Piping Plover recovery in Massachusetts. He added that the beginning of that recovery was with former Board member Rocky Bridges. Massachusetts was the only state that said we should put up symbolic fences around nesting areas and protect them from foot and vehicle traffic while the birds are nesting. The Chairman noted that the Board and MassWildlife took heat with the towns at that time, but still started protecting the species then.

The Chairman again expressed his frustration over the lack of an upgrade to the Laurel Lake fishing area. He said that he has lobbied for years to upgrade the fishing area and the parking lot, but is repeatedly told there's no money to do so. He also reported that the local people maintain the area and keep it clean.

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Commissioner's Comments

Commissioner Peterson gave the Board an update on Deputy Commissioner King, who has had a medical issue. He stated that she had been in the hospital, but is home now and feeling better.

The Commissioner reported that the budget had been signed, with the agency in good shape. Regarding the land program, he reported that the overall capital budget has been reduced. He added that the agency has such a good land program, we have been eligible in the past for year-end slippage money from other agencies, and the Commissioner said he hopes the same will be true this year.

Regarding the Blue Hills Controlled Deer Hunt, the Commissioner reported that it had been expanded from 4 to 6 days, into several new areas, and with new areas where archery will be allowed. He noted that the second public meeting was coming up, adding that the first was somewhat contentious, with most people present expressing opposition to the hunt. He stated that he was hoping the next will be attended by more sportsmen, and other people in support. Asked when the second Blue Hills meeting would be held, the Commissioner answered that it was scheduled at Canton High School at 6:00 P.M. on August 2.

The Commissioner thanked Chief of Conservation Science Jon Regosin for his work over the years on the Piping Plover conservation effort. He stated that the HCP (habitat conservation permit) had been issued by the USFWS and the Massachusetts Division of Fisheries and Wildlife is now the permitting agency, with the ability to loosen some restrictions on towns in areas where the species' recovery is good.

Commissioner Peterson told the Chairman that the Laurel Lake project is on the list of OFBA projects. Unfortunately, the total needed is well beyond the capital budget, and the project is about halfway down the list of approved projects. He added that it is expensive as projects go at \$650,000, so it will be tough to get it done with the capital budget as it is.

Director's Comments

Director Buckley reported that workers were in the process of putting the McLaughlin Hatchery pipeline in, and that it is going well. He also reported that the storage facility in Westborough is almost completed, that it was a necessary last component of the site, and that it will provide a lot of additional capacity. The Director also reported that he and staff are contemplating another open house next year, and that the storage facility will also be very helpful for that.

The Director stated that he wanted to recognize the National Shooting Sports Foundation, which has donated 300 gun locks to the Massachusetts Division of Fisheries and Wildlife for gun-safety awareness. Director Buckley stated that he is hoping that if the industry sees that there is demand for them, the agency will be able to get more.

The Director also reported that the Governor has declared a hiring freeze, but he is hoping that MassWildlife will be seen as exempt because of the Inland Game Fund and the differences in our funding. He reported that we still need a new restoration ecologist and a Heritage-based social-media person to give Ms. McSweeney some help due to the large volume of content in the NHESP. Director Buckley also stated that we are planning to hire at least one more forester, given that we are starting a new young-forest initiative next year.

Director Buckley reported that the new Stewardship Biologists had made presentations on their first year of activities to Senior Staff; the Director thought it went very well, with lots of work being done. He stated that he hopes to bring the format to the Board for a presentation sometime next year.

The Director reported that the agency was planning a Monarch butterfly event on August 24; the agency has received a \$25,000 grant for seed to plant in the Wayne MacCallum WMA, and will also buy more and seed across the back of the Cronin Building.

Director Buckley next reported that he thought Chief of Conservation Science Jon Regosin had done a remarkable job on the Piping Plover HCP; it had been challenging negotiating the permit with the USFWS, but Mr. Regosin had completed the negotiation successfully. Citing the HCP as a major achievement, the Director explained that it has taken significant opposition to endangered-species protection off the table. Towns have seen that they can work with us, and Mr. Regosin was an important part of that process. Director Buckley noted that Mr. Regosin is a former Chief of Regulatory Review; and that experience prepared him for dealing with both the USFWS and the towns in the Piping Plover negotiations.

In response to a question about the status of the rattlesnake conservation project, Director Buckley reported that the Lesser amendment has not proceeded, and that he is talking with the Commissioner about how the proposed study committee will move forward. The Director added that he has said from the beginning that the process should include the Board, and that he is focused on making that happen.

Asked for an update on the USFWS's Great Thicket refuge proposal, Director Buckley reported that he had met with the regional refuge leader and will meet with him again. The Director stated that he had sent an agenda, he has been sent some comments on it, and is now working on setting a date. Director Buckley noted that this process has shown him that the view of the world is radically different between state wildlife agencies and the refuges. As one example, he said that the wide disparity in fees charged bird-watchers versus hunters has no basis in anything, whereas state focus is the management of animals and habitat. The issue is therefore more than about the refuge itself; it is a bigger, national issue, and he told the Board that he will advise it when a meeting is set.

Law Enforcement Comments

Captain Anthony Abdal-Kabir attended the meeting representing the OLE. In addition to the written report that Capt. Robert Forsythe had submitted the day before via email, Capt. Abdal-Kabir reported that the OLE would be having an entry exam on August 17. He noted that it had been well-publicized and the MEP was expecting a good turnout.

Updating Capt. Forsythe's report, Capt. Abdal-Kabir reported that we now have had the eighth fatal boat accident of the year (up from seven in Capt. Forsythe's report), and another fatal OHV accident. The Captain also stated that the OLE is working with its sister agencies readying for the Blue Hills controlled hunt, particularly focusing on analyzing the new areas and other aspects of the allowances and enforcement. Noting that the OLE had a heavy presence at the first Blue Hills hunt, the Captain stated that OLE expects to be there again.

As of the day of the meeting, Capt. Abdal-Kabir reported that OLE has had 50 calls for moose so far this year, contrasted to 75 in all of last year. He stated that OLE is not sure why the spike in reports. Dr. Larson asked about the locus of calls, whether they were more eastward or in the traditional areas. The Captain reported that most have been the traditional areas where moose have been before, but also some new areas recently, including the Weston-Wayland area, also Watertown: he noted that it was the same two moose, and that eventually the LART team caught up with them. Capt. Abdal-Kabir also reported that the OLE has had an uptick (to 18) in moose-motor vehicle strikes. Citing weather as one factor, he explained that the moose are moving, looking for good habitat and food. This leads to more encroachment into areas that were traditionally buffers, be it construction areas, or large back lots.

Capt. Abdal-Kabir reported that the OLE is fully staffed for the Mass. Junior Conservation Camp. On the issue of hiring, the Captain noted that OLE is not affected by the hiring freeze, and is currently hiring five new officers, but just barely keeping up with retirement attrition.

Chairman Darey thanked Captain Abdal-Kabir for attending the meeting and giving his report to the Board.

Personnel Report (Kris McCarthy)

Assistant Director McCarthy reported that staff had two new employees to recommend to the Board:

Employee	Position	Location
Steven Mattocks	Fisheries Field Operations Biologist Aquatic Biologist I	Westborough
Timothy P. Bradbury	Hunter Education Specialist Game Biologist I	Westborough

Ms. Booth moved acceptance of the Personnel Report as presented; Mr. Winthrop seconded the motion; the vote in favor was unanimous.

Director Buckley stated that he wanted to point out two things about this report: that this is the last position in four added to the Hunter Education Program, which was mandated by the Board to address the issues the Board sought to remedy around limited availability of Hunter Ed. Programs in certain areas of high demand in the state. He also noted that the Fisheries person brings to a full complement the Fisheries Section, so finding this individual was also a very good thing.

Update on Housatonic Clean-up (Mark Tisa)

Director Buckley informed Board that Deputy Director Tisa was ill and could not attend the meeting. Secretary Roche moved to bring the item to a future agenda; Dr. Van Roo seconded the motion; the vote in favor was unanimous.

Update on the Final Piping Plover Habitat Conservation Permit (Jon Regosin)

Chief of Conservation Science Jon Regosin reported that the Piping Plover Habitat Conservation Permit (HCP) had received approval on July 8, 2016. He stated that he would provide the Board with an overview of the HCP, including why MassWildlife needs it, how it works, and what it will mean for 2016 and beyond.

From 125 breeding pairs of Piping Plover in 1986 to 675 breeding pairs today, Massachusetts' population has responded very well to MassWildlife's and the towns' conservation efforts. There are three Atlantic Coast recovery units, but Massachusetts' success has not been duplicated in other regions, and the Commonwealth population now exceeds the recovery goal set for it. Chief Regosin reported that this success was due to MassWildlife's policy of management by clear guidelines, including the use of symbolic fencing and seasonal vehicle restrictions when there are unfledged chicks present. Also key to the success has been the cooperation of the landowners and beach managers; Mr. Regosin pointed out that a regulatory system can't effectively be implemented on enforcement, and that there has to be a shared sense of purpose.

With the recovering population, however, comes the potential for more conflicts with these cooperators, Chief Regosin reported, because, without the HCP, more nesting pairs would mean more restrictions to protect all the pairs as they spread over the beaches. He stressed that the HCP was

needed so that MassWildlife could begin to reward sound management by easing some of the restrictions as the population increases, instead of having to ‘punish’ the communities in an inflexible system. MassWildlife can use a regulatory approach that is science-based and focused on the population as a whole and on conservation outcomes, with the ability to be flexible and adaptable as the population increases. This regulatory approach is being perceived as both efficient and commonsense, winning wider acceptance and support as a result.

Chief Regosin then explained that an HCP is for federally listed endangered species; it is an umbrella, Incidental Take Permit from the USFWS. The agency must develop and implement the HCP, and then grants sub-permits to the beaches that satisfy its conditions and agree to its terms. In addition, he pointed out that it is a 25-year permit, which will encourage a long-term view and provide needed stability in the many cooperative relationships involved. Chief Regosin reported that the HCP was developed with extensive stakeholder involvement from multiple coast and Cape towns and beaches, environmental organizations, state agencies, federal partners, and consultants.

The key elements of the HCP are 1) it authorizes ‘covered activities,’ including reduced fencing to protect the immediate areas of nests, escorted over-sand vehicle use in certain areas, and even the ability to move some nests in certain situations and while following proven protocols; 2) each covered activity is paired with Impact Avoidance and Minimization Procedures (IAMPs) that are designed to do exactly that; 3) the number of sub-permits and covered activities is tied to the Massachusetts plover population size; and 4) mitigation of impacts is now possible. Mitigation includes selective predator management, where needed; increased law enforcement; more education and outreach; and even some experimental habitat management. What MassWildlife projects, Chief Regosin reported, is that the mitigation more than offsets the impacts, providing the net benefit that is required by the MESA. He then presented examples, of Sandy Neck Beach in Barnstable, and of Long Beach in Plymouth, where the day parking was opened a full 2 weeks ahead of what had been planned before the new plan was approved by Plymouth officials.

In summary, Chief Regosin reported that in this first year with the HCP:

- Only 1-7% of the broods/nests are exposed to covered activities;
- The exposure is designed to provide the greatest recreational benefits;
- The great majority of management follows the guidelines;
- The mitigation benefits – which could not be required without the HCP – will more than offset the impacts;
- There are incentives for good management, and a larger population is not a threat to beach access;
- MassWildlife is seeing broad support for the plan;
- The HCP has reduced conflict while increasing cooperation thanks to continued stakeholder involvement;
- The communities have toned down the rhetoric around management, e.g., predator control, and toward the regulatory system as a whole;
- The agency benefitted from an amendment to the Heritage budget for the implementation of the HCP; and
- MassWildlife has shown that the process matters, and that continued dialogue and clear guidelines have paid off in increased cooperation and trust.

After a brief discussion, the Board congratulated Chief Regosin and Director Buckley on the HCP, and Chairman Darey thanked Mr. Regosin for his informative presentation.

Update: Draft Trails Policy (Craig MacDonnell)

After a brief update regarding some of the specific language used and revised in the two proposed policies from Chief MacDonnell, Chairman Darey suggested that Board read the proposed policies again and come back to vote on it at the next Board meeting.

Vote: to amend the Division of Fisheries and Wildlife's rules and regulations at 321 CMR 2.0, 3.0, 4.0, and 11.0 governing Miscellaneous Regulations Relating to Fisheries and Wildlife, Hunting, Fishing, and Nature Preserves; and to rescind the Division of Fisheries and Wildlife's regulations at 321 CMR 6.0, the Dog Restraining Order, and at 321 CMR 8.0, which is a placeholder regulation that specifies the location of the State List of Endangered Wildlife and Wild Plants at 321 CMR 10.0 (Jack Buckley)

After a few very brief remarks from Director Buckley, reiterating the charge in E.O. 562 that led to the proposed regulation changes, Secretary Roche moved that the Board approve all of the changes as proposed; Dr. Van Roo seconded the motion; it was approved unanimously.

Natural Heritage and Endangered Species Advisory Committee Report

Dr. Joseph Larson reported that the Natural Heritage and Endangered Species Advisory Committee's last meeting was held on July 14. He reported that the main substance of the meeting was a history of the Heritage Program from current NHESAC member Gwil Jones, who had been on the Fisheries and Wildlife Board and whose account of the program ended in 2000. Dr. Larson reported that he had joined the Board when Dr. Jones stepped off. Dr. Larson observed that the program was very different at that time, with only two staff for the entire program, Ornithologist Brad Blodgett and Assistant Director Tom French, so NHESAC members were the ones who designed and constructed the program at that time. Dr. Larson stated that the activities of the NHESAC are now very different, but that Dr. Jones and this Board had had a very prominent role in the creation of Heritage Program. The list was at first larger than it is now, and Dr. Larson noted that the biggest change he has seen in his time is that, since 2000, staff has gone out and gathered a lot of necessary information, conducted the surveys, etc., on listed species, and they have brought the list to its present, mature stage.

Set Meeting Date

Members discussed dates for the August Fisheries and Wildlife Board meeting. Members selected August 23, 2016, at 11:00 A.M., at the Field Headquarters in Westborough.

Board members also set the September meeting, selecting Tuesday, September 6, 2016, at 11:00 A.M. at the Connecticut Valley Wildlife District office in Belchertown.

Member's Comments

Secretary Roche reported that the Town of Orange had a permit to repair a dam in the Millers River, and that the Millers there quickly went to a trickle, with lots of calls from concerned people. He reported that Deputy Director Tisa and Assistant Director for Fisheries Todd Richards were both a big help. He said he was able to give townspeople good information on what was happening, and addressed many of the concerns of locals. He also stated that he had received the new magazine, and was very happy with the new editor's comments in the front.

Dr. Van Roo, Ms. Booth, and Dr. Larson reported no comment.

Mr. Foster stated that he thought he had indeed seen democracy in action, and had enjoyed his first meeting.

Mr. Winthrop reported that the agriculture community has asked him to see if the Board can have a positive influence on the possibility of rain. There has been no rain, which has had a major impact on the agricultural community, so anything the Board can do, will be appreciated.

There being no further business, a motion was made by Dr. Larson to adjourn the meeting; Ms. Booth seconded; the meeting was adjourned unanimously at 1:05 P.M.

Respectfully submitted,

Michael Roche

Secretary

List of documents presented to the Board in its July meeting packets

July Agenda

Draft June meeting minutes for review

Fisheries and Wildlife Board members contact list

Law Enforcement Briefing, Captain Robert Forsythe, OLE

Personnel Report

Draft policies for review: Wildlife Lands and Walking Trails

Spreadsheet of Natural Heritage Fund Taxpayer Donations (1992 to 2014)